

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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CHRISTIAN POWELL

Plaintiff,

Civ. No.: 1:21-cv-721

v.

CITY OF JAMESTOWN,  
CITY OF JAMESTOWN CLERK,  
JAMESTOWN POLICE DEPARTMENT,  
JAMESTOWN POLICE CHIEF TIMOTHY  
JACKSON,  
COUNTY OF CHAUTAUQUA,  
CHAUTAUQUA COUNTY SHERIFF'S OFFICE,  
CHAUTAUQUA COUNTY SHERIFF JAMES B.  
QUATTRONE,  
CHAUTAUQUA COUNTY UNDERSHERIFF  
DARRYL W. BRALEY,  
JOHN DOES 1-10, said names being fictitious but  
intended to be any other individual/officers  
involved in the within incident and employees of  
the CITY OF JAMESTOWN and/or JAMESTOWN  
POLICE DEPARTMENT in their individual and  
official capacities, and  
JOHN DOES 1-10, said names being fictitious but  
intended to be any other individual/officers  
involved in the within incident and employees of  
the COUNTY OF CHAUTAUQUA and/or  
CHAUTAUQUA COUNTY SHERIFF'S OFFICE in  
their individual and official capacities,

Defendants.

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**DECLARATION OF PETER L. VEECH**

I, Peter L. Veech, make this Declaration under the penalties of perjury pursuant to 28 U.S.C. § 1746:

1. I am an attorney at law duly licensed to practice in the State of New York and in this Court and am an associate at Webster Szanyi LLP, attorneys for the Defendants, County of Chautauqua, Chautauqua County Sheriff's Office, Chautauqua County Sheriff James B. Quattrone, Chautauqua County Undersheriff Darryl W. Braley,

and John Doe(s) being employees of the County of Chautauqua and/or Chautauqua County Sheriff's Office (collectively the "County Defendants"), in this action.

2. I submit this declaration in support of the County Defendants' Motion to Dismiss Plaintiff's Complaint, in its entirety and with prejudice, pursuant to F.R.C.P. 12(b)(6), CPLR 3211(a)(1), and 3211(a)(7).

3. Attached as **Exhibit A** is a true and accurate copy the warrant issued by Jamestown City Court Judge, Hon. John L. LaMancuso on December 9, 2020 for Christian T. Powell's arrest.

4. Attached as **Exhibit B** is a true and accurate copy of the Chautauqua County Sheriff Filed Case Report concerning Plaintiff's December 10, 2020 arrest at issue. *See also*, July 13, 2021 Declaration of Stephen Madonia, ¶ 3; Ex. A.

5. On the evening of December 10, 2020, Plaintiff called 911 to report an unrelated civil issue. *See* Ex. B.

6. Chautauqua County Sheriff's Deputy, Stephen Madonia ("Deputy Madonia"), responded to Plaintiff's 911 call. *Id.*

7. While en route to 111 Barrett Avenue, Deputy Madonia realized there was an active warrant for Plaintiff's arrest and informed the Jamestown Police Department ("JPD") of Plaintiff's whereabouts. *See* Ex. A; Ex. B.

8. Two JPD officers (Officer Wise and Officer Obergfell) also responded to 111 Barrett Avenue. *See* Ex. B.

9. When the JPD officers arrived at 111 Barrett Avenue, Plaintiff was informed that he was under arrest. In response, Plaintiff attempted to pull away from the JPD officers and actively began to resist arrest. *Id.*

10. Deputy Madonia came to the aid of the JPD officers who were struggling to effectuate Plaintiff's arrest. *Id.*

11. Plaintiff, still actively resisting, was taken to the ground in a prone position so that handcuffs could be placed on his wrists. *Id.*

12. Plaintiff continued to actively resist being handcuffed while he was on the ground. *Id.*

13. As Plaintiff thrashed about wildly, he intentionally slammed his head on the ground and on Deputy Madonia's flashlight, which had fallen to the ground. *Id.*; see *also*, Dkt. 1-1, ¶ 31.

14. After handcuffs were applied, Plaintiff continued to flail, kick, and scream at the JPD officers as he was being placed into the JPD squad car. See Ex. B.

15. After Plaintiff was secured in the JPD squad car, he was transported to the JPD's Central Booking Bureau by the JPD officers. *Id.*

16. Deputy Madonia did not have any further interactions with Plaintiff after he was placed into the JPD squad car on the evening of December 10, 2020. *Id.*

17. None of the County Defendants were present at the JPD's Central Booking Bureau following Plaintiff's arrest on December 10, 2020. *Id.*; see *also*, Dkt. 1-1, ¶¶ 32-45).

Dated: July 14, 2021

*s/Peter L. Veech*

Peter L. Veech